

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

John Liaudois,

Plaintiff,

v.

Select Portfolio Servicing, Inc.  
c/o Illinois Corporation Service Co.  
801 Adlai Stevenson Drive  
Springfield, IL 62703,

Defendant.

Case No.

**COMPLAINT**

**Jury Demand Requested**

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**JURISDICTION AND VENUE**

- 1- This court has jurisdiction pursuant to 28 U.S.C. §1331 and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

**PARTIES**

- 3- Plaintiff is a resident of the State of Illinois.
- 4- Plaintiff incurred an obligation to pay money, the primary purpose of which was for personal, family, or household uses (the "Debt").
- 5- Defendant is with its principal place of business in the State of Utah.
- 6- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.
- 7- Defendant regularly attempts to collect, or attempts to collect, debts owed or due another.
- 8- At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

**FACTS COMMON TO ALL COUNTS**

- 9- Prior to September 6, 2017, Plaintiff incurred a consumer debt (the "Debt").
- 10- Prior to September 6, 2017, Plaintiff defaulted on the Debt.
- 11- On September 6, 2017, Plaintiff filed a bankruptcy petition under Chapter 7 of the Bankruptcy Code.
- 12- In Illinois, a Chapter 7 bankruptcy petition includes all pre-petition whether specifically listed in the bankruptcy schedules or not. *See In Re Mendiola*, 99 B.R. 863 (Bankr. N.D. Ill 1989).
- 13- Upon information and belief, the Debt was placed with Defendant for collection after September 6, 2017.
- 14- On December 4, 2017, Plaintiff received a discharge that included the Debt.
- 15- In or around January 2018, despite the bankruptcy petition and the discharge, Defendant telephoned Plaintiff several times to collect the Debt.
- 16- In or around February 2018, despite the bankruptcy petition and the discharge, Defendant telephoned Plaintiff several times to collect the Debt.
- 17- Upon information and belief, at the time of the communications referenced above, Defendant knew, or should have known, about the bankruptcy.
- 18- Defendant damaged Plaintiff.
- 19- Defendant violated the FDCPA.

**COUNT I**

- 20- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.
- 21- Defendant violated 15 USC § 1692e(2) by attempting to collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy, thereby misrepresenting the legal status of the debt

**COUNT II**

22- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

23- Defendant violated 15 USC § 1692e(10) by falsely representing to Plaintiff that it could collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy.

**COUNT III**

24- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

25- Defendant violated 15 USC § 1692f by unfairly and unconscionably trying to collect a debt that Defendant knew, or should have known, was included in Plaintiff's bankruptcy.

**COUNT IV**

26- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

27- Defendant violated 15 USC § 1692c(a)(2) by communicating with a consumer after Defendant knew, or should have known, that Plaintiff was represented by an attorney regarding the debt.

**JURY DEMAND**

28- Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

29- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);

- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorney's fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Meier LLC

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